

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

JACOB BLOCK,
a citizen of the State of Ohio,

Plaintiff,

Case No.:
Hon.
Magistrate Judge:

-VS-

MARK & DEBRA SULKOWSKI,
citizens of the State of Michigan,

and

GARY R. BRIESCHKE BUILDER LLC.,
a State of Michigan corporation,

Defendants.

TERRY L. COCHRAN (P35890) JEFFREY M. MUSSIN (P81032) COCHRAN, KROLL & ASSOCIATES, P.C. Attorneys for Plaintiff 32398 Five Mile Road Livonia, MI 48154 (734) 425-2400; (734) 425-7885 – fax tcochran@cochranlaw.com jmussin@cochranlaw.com	
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COMPLAINT AND JURY DEMAND

There is no other pending or resolved civil action arising
out of the transaction or occurrence alleged in this Complaint.

NOW COME the above-named Plaintiff, Jacob Block, by and through their attorneys, Cochran, Kroll & Associates, P.C., and complains against Defendants, Mark & Debra Sulkowski, a Michigan Corporation, and Gary R. Brieschke Builder LLC, a Michigan Corporation, as follows:

1. Plaintiff Jacob Block is a resident of the City of Toledo, County of Lucas, State of Ohio.

2. Defendant Mark & Debra Sulkowski are residents of the Township of Saline, County of Washtenaw, State of Michigan.

3. Defendant Gary R. Brieschke Builder LLC d/b/a GB Builders is a Michigan Corporation with Registered Agent Gary R. Brieschke located at 11669 Robinshire Street Temperance, Michigan 48182, corporate identification number 801458695 and is in the business of construction including the building of homes in the State of Michigan.

4. The property where the injury occurred is located at 206 Pentecost Highway, Township of Franklin, County of Lenawee, State of Michigan.

5. Jurisdiction over this matter arises as a result of diversity of citizenship between Plaintiff Jacob Block, a resident of the State of Ohio, Defendants, Mark & Debra Sulkowski, a Michigan Corporation, and Gary R. Brieschke Builder LLC, a Michigan Corporation, and damages in excess of \$75,000.00 not inclusive of costs and attorney's fees.

6. The Mark & Debra Sulkowski are the owners with jurisdiction and control over 206 Pentecost Highway in the Township of Franklin, County of Lenawee, State of Michigan.

7. Upon information and belief, GB Construction entered into a contract with Mark & Debra Sulkowski to design and build a lakefront house on Sand Lake in Franklin Township, Lenawee County.

8. Defendants Mark & Debra Sulkowski entered into a contract with the GB Construction to act as the general contractor to build the lakefront house on Sand Lake in Harrison Township, County of Lenawee, pursuant to GB Constructions and/or Mark & Debra Sulkowski drawings and plans.

9. Defendant GB Construction entered into a subcontract with Scott Woodson and his company, Woodson Exteriors, to place roofing shingles on the roof of the house pursuant to Defendant GN Construction's and/or Mark & Debra Sulkowski's drawings.

10. To access the roof to lay the shingling, a single fiberglass extension ladder was provided.

11. Access to the roof was only available through the common areas on the exterior of the house.

12. Workers would be required to carry packs of shingles on their shoulders up the ladder without any sort of assistance. Manually carrying the shingles up the ladder was the only method of transportation of the packs of shingles provided.

13. At all times stated herein, Plaintiff Jacob Block was employed with Woodson Exteriors pursuant to a contract with GB Construction for the purposes of placing shingling on the roof of the lakefront house during the construction.

14. On January 20, 2021, while carrying shingles up the ladder on his shoulder, Plaintiff was carrying shingles up the ladder on his shoulder to the apex of the second story of the lakefront house when the ladder became unsteady, and he missed grabbing the upper rung of the ladder causing him to fall and landing on both heels.

15. As a direct and proximate result of fall and the lack of safety equipment, Plaintiff Jacob Block suffered severe and permanent personal injuries more fully described herein.

COUNT I
(DEFENDANT GB CONSTRUCTION– COMMON WORK
AREA - GENERAL CONTRACTOR NEGLIGENCE –
VICARIOIUS LIABILITY – GROSS NEGLIGENCE)

16. Plaintiffs incorporate by reference each and every allegation contained in the preceding Count as if fully stated herein.

A. General Contractor Negligence – Vicarious Liability

17. Defendant GB Construction was the general contractor for house located at 206 Pentecost Highway, Township of Franklin, County of Lenawee, State of Michigan.

18. That the front of the house was a common work area.

19. At all times stated herein, Defendant, GB Construction, as the general contractor for the lakeside house at Sand Lake, through its agents and employees, had a duty to maintain safety in common work areas to protect other contractors and/or subcontractors employees including Jacob Block from observable dangers Defendant GB Construction knew or should have discovered and breached said duties, by way of illustration and not limitation:

- a. Failing to properly inspect the worksite, the placement of the ladder, and the method of transporting shingles to the roof in order to discover that the shingles could be transported safely without causing injury to anyone in the common work area;
- b. Failing to review the plans for placement of shingles on the roof;
- c. Failing to organize and implement safety meetings with subcontractors working within the work site to ensure safe workplace practices;
- d. Failing to inspect the position and placement of the ladders to discover that the ladders could not be safely affixed to the house to prevent the ladder from moving and causing the workers using the ladder to fall;
- e. Failing to inspect and review the necessity and procedures for the transporting of shingles to the roof so that injury could be prevented;
- f. Failing to properly require that sub-contractors have the proper safety equipment;
- g. Failing to provide equipment that would allow the roofing shingles to be transported safely to the roof;
- h. Failing to inspect and/or discover that subcontractor Woodson Exteriors was allowing workers to carry shingles up to the roof of the house with the proper safety equipment and/or proper means or equipment to transport the shingles to the roof; and
- i. Failing to provide adequate warning to foreseeable contractors, such as Plaintiff Jacob Block, of the dangerous conditions within the workplace.

B. Proximate Cause

20. As a direct and proximate result of Defendant GB Construction's failure to maintain safety in common work areas and vicarious liability for the actions and/or inactions of its agents and employees, the ladder upon which Plaintiff Jacob Block was using Plaintiff Jacob block to fall from the ladder and causing Plaintiff Jacob Block to sustain the serious and permanent, personal injuries more fully described herein.

C. Gross Negligence

21. Defendant GB Construction's conduct, through its agents and employees, was so reckless as to demonstrate a substantial lack of concern for whether an injury would occur tantamount to gross negligence and exemplary damages are requested.

WHEREFORE, Plaintiff, Jacob Block, by and through counsel, Cochran, Kroll & Associates, P.C. respectfully request judgment against Defendants Mark & Debra Sulkowski and GB Construction, a Michigan Corporation in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of, costs, interest and attorney fees.

COUNT II
(DEFENDANTS MARK & DEBRA SULKOWSKI – COMMON WORK
AREA - GENERAL CONTRACTOR NEGLIGENCE –
VICARIOIUS LIABILITY – GROSS NEGLIGENCE)

22. Plaintiffs incorporate by reference each and every allegation contained in the preceding Count as if fully stated herein.

A. General Contractor Negligence – Vicarious Liability

23. Defendants, Mark & Debra Sulkowski, were co-general contractors for house located at 206 Pentecost Highway, Township of Franklin, County of Lenawee, State of Michigan.

24. That the front of the house was a common work area.

25. At all times stated herein, Defendants, Mark & Debra Sulkowski, as the co-general contractor and owners for the lakeside house at Sand Lake, through its agents and employees, had a duty to maintain safety in common work areas to protect other contractors and/or subcontractors employees including Jacob Block from observable dangers Defendants, Mark & Debra Sulkowski, knew or should have discovered and breached said duties, by way of illustration and not limitation:

- a. Failing to properly inspect the worksite, the placement of the ladder, and the method of transporting shingles to the roof in order to discover that the shingles could be transported safely without causing injury to anyone in the common work area;
- b. Failing to review the plans for placement of shingles on the roof;
- c. Failing to organize and implement safety meetings with subcontractors working within the work site to ensure safe work place practices;
- d. Failing to inspect the position and placement of the ladders to discover that the ladders could not be safely affixed to the house to prevent the ladder from moving and causing the workers using the ladder to fall;
- e. Failing to inspect and review the necessity and procedures for the transporting of shingles to the roof so that injury could be prevented;
- f. Failing to properly require that sub-contractors have the proper safety equipment;
- g. Failing to provide equipment that would allow the roofing shingles to be transported safely to the roof;
- h. Failing to inspect and/or discover that subcontractor Woodson Exteriors was allowing workers to carry shingles up to the roof of the house with the proper safety equipment and/or proper means or equipment to transport the shingles to the roof; and
- i. Failing to provide adequate warning to foreseeable contractors, such as Plaintiff Jacob Block, of the dangerous conditions within the workplace.

B. Proximate Cause

26. As a direct and proximate result of Defendants, Mark & Debra Sulkowski's, failure to maintain safety in common work areas and vicarious liability for the actions and/or inactions of its agents and employees, the ladder upon which Plaintiff Jacob Block was using Plaintiff Jacob block to fall from the ladder and causing Plaintiff Jacob Block to sustain the serious and permanent, personal injuries more fully described herein.

C. Premises Liability

27. Defendants, Mark & Debra Sulkowski, were the owners and in control of the building at 206 Pentecost Highway, Township of Franklin, County of Lenawee, State of Michigan.

28. The Defendant's failure to inspect, supervise, properly secure, and/or maintain the property created an unreasonably hazardous and unavoidable and/or hidden defect.

29. The subject ladder and shingling that caused Plaintiff's severe and painful injuries was located on Defendants, Mark & Debra Sulkowski's, property.

30. Defendants, Mark & Debra Sulkowski, owed Plaintiff, Jacob Block, a business invitee, the duty to supervise, and/or prevent any hazardous activity on the land and breached said duties by way of illustration and not limitation:

- a. Failing to properly inspect the worksite, the placement of the ladder, and the method of transporting shingles to the roof in order to discover that the shingles could be transported safely without causing injury to anyone in the common work area;
- b. Failing to review the plans for placement of shingles on the roof;
- c. Failing to organize and implement safety meetings with subcontractors working within the work site to ensure safe work place practices;
- d. Failing to inspect the position and placement of the ladders to discover that the ladders could not be safely affixed to the house to prevent the ladder from moving and causing the workers using the ladder to fall;
- e. Failing to inspect and review the necessity and procedures for the transporting of shingles to the roof so that injury could be prevented;
- f. Failing to properly require that sub-contractors have the proper safety equipment;
- g. Failing to provide equipment that would allow the roofing shingles to be transported safely to the roof;
- h. Failing to inspect and/or discover that subcontractor Woodson Exteriors was allowing workers to carry shingles up to the roof of the house with the proper safety equipment and/or proper means or equipment to transport the shingles to the roof; and
- i. Failing to provide adequate warning to foreseeable contractors, such as Plaintiff Jacob Block, of the dangerous conditions within the workplace.

31. Defendants, Mark & Debra Sulkowski's, breached all of the aforementioned duties and obligations which was the direct and proximate cause of Plaintiff, Jacob Block's, injuries more specifically described herein.

D. Gross Negligence

32. Defendant Mark & Debra Sulkowski's conduct, through its agents and employees, was so reckless as to demonstrate a substantial lack of concern for whether an injury would occur tantamount to gross negligence and exemplary damages are requested.

WHEREFORE, Plaintiff, Jacob Block, by and through counsel, Cochran, Kroll & Associates, P.C. respectfully request judgment against Defendants Mark & Debra Sulkowski and GB Construction, a Michigan Corporation in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), costs, interest and attorney fees.

COUNT III – Damages

33. Plaintiffs incorporate by reference each and every allegation contained in the preceding Count as if fully stated herein.

34. As a direct and proximate result of the fall while transporting shingles to the roof, Plaintiff Jacob Block, has sustained serious and permanent, personal injuries including by way of illustration and not limitation:

- a. Severe fractures to both lower extremities necessitating surgery;
- b. Medical care, hospitalization and rehabilitation;
- c. Extreme and continuing pain and suffering;
- d. Extreme and continuing humiliation, mortification and embarrassment; and
- e. Disfigurement and permanent scarring.

35. Plaintiff Jacob Block has sustained permanent impairment in the ability to run, walk and stand that has decreased his ability to engage in normal social, vocational and recreational activities for which he seeks compensation.

36. Plaintiff Jacob Block has and will incur future medical, hospital, rehabilitation and pharmaceutical expenses for which he claims compensation.

37. Plaintiff Jacob Block has sustained lost wages as well as the loss of earning capacity for which he claims compensation.

38. Plaintiff Jacob Block has and will incur attendant care as well as replacement services for himself and his family for which he seeks compensation.

39. Plaintiff Jacob Block has and will sustain emotional and psychological injuries including Post Traumatic Stress Disorder (PTSD), for which he seeks compensation.

40. As a result of Defendants Mark & Debra Sulkowski's and GB Construction's gross negligence, Plaintiff seeks exemplary damages against Defendants Mark & Debra Sulkowski, only.

WHEREFORE, Plaintiff, Jacob Block, by and through counsel, Cochran, Kroll & Associates, P.C. respectfully request judgment against Defendants Mark & Debra Sulkowski and GB Construction, a Michigan Corporation in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of, costs, interest and attorney fees.

/s/Terry L. Cochran

COCHRAN, KROLL & ASSOCIATES, P.C.

BY: TERRY L. COCHRAN, P35890

BY: JEFFREY M. MUSSIN, P81032

Attorney for Plaintiff

32398 Five Mile Road

Livonia, Michigan 48154

(734) 425-2400

Dated: July 15, 2022

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JURY DEMAND

NOW COMES the above-named Plaintiff, Jacob Block, by and through counsel, Cochran, Kroll & Associates, P.C. and hereby demands trial by jury of facts and issues of the above-captioned matter.

/s/Terry L. Cochran

COCHRAN, KROLL & ASSOCIATES, P.C.

BY: TERRY L. COCHRAN, P35890

BY: JEFFREY M. MUSSIN, P81032

Attorney for Plaintiff

32398 Five Mile Road

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Dated: July 15, 2022